REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-4 and 6-14 remain pending in this application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, claims 1-4 and 6-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Swenson (U.S. Patent No. 6,064,380) in view of Brown (U.S. Patent No. 6,868,225), Markman (U.S. Patent Application Publication No. 2003/0122966) and Heaton (U.S. Patent No. 7,484,234). Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

Independent claims 1-3, 7-10, and 12-14 have each been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes. Support for these changes is found at, e.g., ¶¶ [0045]-[0047] of the specification.

As amended herein, claim 1 recites:

> wherein said playing position represented by said time stamp corresponds to a stopped position whereat a respective user requested that said content be stopped by use of a first one of said information processing apparatus and wherein said *content is playable from said stopped position based on said associated access right information by use of a second one of said information processing apparatus which is different from the first one thereof and which is operated by the respective user while the first information processing apparatus is being operated by another user*.

(Emphasis added.) Neither the relied on sections of Swenson, the relied on sections of Brown, the relied on sections of Markman, nor the relied on sections of Heaton disclose or suggest content is playable from a stopped position (whereat a respective user

requested that the content be stopped by use of a first information processing apparatus) based on an associated access right information by use of a second information processing apparatus which is different from a first one thereof and *which is operated by a respective user while a first information processing apparatus is being operated by another user*.

Rather, the relied on sections of Heaton merely describe:

> Certain embodiments provide instant replay of live or recorded sporting events and educational programs. *Certain embodiments provide a bookmarking feature to record to save the rest of a current program being watch to view later*. Certain embodiments provide programmable scheduling by time and channel, just like a VCR. Certain embodiments allow viewers to save recorded programs to their VCRs. Certain embodiments provide selectable recording quality.

(Col.6 ll.54-61; emphasis added.) Such sections of Heaton further describe:

> FIG. 6 depicts a network with server system 104, a prototype set-top control system 102 and multiple set-top control systems 100-1 to 100-4.
>
> Continuing the discussion from the previous figure, this figure depicts an embodiment of the invention wherein multiple set-top control systems 100-1 to 100-4 *share the advantages of access to* prototype set-top control system 102. In certain embodiments, server system 104 may only *act to distribute updates* on a data entry by data entry level. In certain further embodiments server system 104 may store the entire IR control database *for downloading* by any of the 100 systems.

(col.11 ll.31-42; emphasis added.) These sections are not concerned with the features set forth in the above excerpt of claim 1.

Neither the relied on sections of Swenson, the relied on sections of Brown, nor the relied on sections of Markman overcome the deficiencies of the relied on sections of Heaton.

It follows, for at least these reasons, that neither the relied on sections of Swenson, the relied on sections of Brown, the relied on sections of Markman, nor the relied on sections of Heaton, whether taken alone or in combination, disclose or suggest the combination set out in claim 1. Claim 1 is therefore patentably distinct and unobvious over the relied on sections of the references.

Independent claims 2-3, 7-10, and 12-14 each call for features similar to those set out in the above excerpts of claim 1. Claims 2-3, 7-10, and 12-14 are therefore each patentably distinct and unobvious over the relied on sections of Swenson, Brown, Markman, and Heaton at least for the same reasons.

Claims 4 and 6 depend from claim 1, and claim 11 depends from claim 10. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons as the claim from which it depends.

Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a).

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,
Electronic signature: /Lawrence E. Russ/
Lawrence E. Russ
Registration No.: 35,342
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

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